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United States
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Animal and
Plant Health
Inspection
Service

Animal Welfare Enforcement Fiscal Year 1985

Report of the Secretary of Agriculture
to the President of the Senate and the
Speaker of the House of Representatives

Animal Welfare
Enforcement
FY 1985

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REPORT OF 1985 ACTIVITIES

The Secretary of Agriculture annually reports on enforcement and administration of the Animal Welfare Act (AWA) (7 U.S.C. 2131, et seq.), as required by section 25 of the Act. This section states: "This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

The present report covers Fiscal Year (FY) 1985, which began October 1, 1984, and ended September 30, 1985.

Summary

Compliance inspections to enforce the AWA during FY 1985 were made at an average rate of 3.0 times per year at 6,019 licensed or registered facilities. When these inspections disclosed deficiencies, U.S. Department of Agriculture inspectors counseled owners on the corrections necessary to bring their facilities into compliance and forwarded reports of their inspections for appropriate action.

Legal action was taken against flagrant and chronic offenders. After thorough investigation, 118 new apparent violation cases were forwarded to the Office of the General Counsel for prosecution. Twenty-eight cases were resolved through administrative procedures and resulted in monetary penalties, license suspensions or revocations, cease-and-desist orders, or a combination of these. Another 143 minor violations were resolved through letters of warning that included a specific deadline for compliance.

Reports were submitted by 1,105 active registered (non-Federal) research facilities and 160 Federal research facilities. These reports show that 57.6 percent of the laboratory animals protected under the AWA were not exposed to painful or distressing procedures. Another 35.6 percent received appropriate pain relief. In 6.8 percent, pain relief was not provided because it would have interfered with test results.

Legislation

Animal welfare legislation enacted in 1966 (Public Law 89-544) regulated animal dealers who raised dogs and cats for laboratory research, as well as laboratories conducting research on dogs, cats, hamsters, guinea pigs, rabbits, and nonhuman primates.

Amendments in 1970 broadened coverage to include most other warmblooded animals, including those used in research, for exhibition, and in the wholesale pet trade. An amendment in 1976 (Public Law 94-279) extended coverage to include live-animal transportation.

Funding for animal welfare enforcement for FY 1985 was \$4.86 million.

Regulations

Administration and enforcement of the AWA are assigned to the U.S. Department of Agriculture (USDA). The Act directs the USDA to develop regulations assuring humane care and treatment of animals. Published in Part 9 of the Code of Federal Regulations, these instructions include minimum standards for handling, housing, feeding, and watering animals; for sheltering them from extremes of weather and temperature; and for separating incompatible animals. Standards for sanitation, ventilation, veterinary care, and transportation are also included.

Licensing and Registration

Anyone subject to the AWA must be licensed or registered. In FY 1985, 6,019 facilities were licensed or registered by the USDA. A complete breakdown by State and type of facility appears in Table 1 of the Appendix.

Separate listings of the licensees and registrants are furnished with this report. For the first time, a breakdown is included of "A" dealers, who sell only animals they raise themselves; and "B" dealers, who sell both animals they raise and animals they buy from other sources.

Dealers, operators of auction sales selling dogs and cats, and most exhibitors are required to be licensed and pay an annual fee. Licenses remain valid until terminated voluntarily by the licensee, revoked or suspended by the USDA, or terminated automatically if not renewed when the annual fee is due.

The fee is determined by two graduated schedules, one for dealers and another for exhibitors. Dealers (including operators of auction sales) pay between \$5 and \$500; exhibitors, between \$5 and \$100. Collections are deposited in the U.S. Treasury as "miscellaneous receipts." During FY 1985, \$162,100 in fees was collected from 4,736 license holders.

Research facilities, carriers, and intermediate handlers are required to register with the USDA, but no fee is required. Certain exhibitors can register rather than become licensed. Registrations continue in effect until facilities are disbanded or merged with those of another registrant. In FY 1985, there were 1,657 registrants.

1. Licensed Dealers

Licensed dealers include wholesale pet dealers and breeders, operators of auction sales selling dogs and cats, suppliers of laboratory animals, traders, sellers of wild animals, and animal brokers. In FY 1985, 3,414 dealers were licensed; 618 of these were new licensees.

2. Carriers and Intermediate Handlers

Although registered carriers may include railroads, motor carriers, and shipping lines, most are airlines. Intermediate handlers are agents who take custody of animals being transported in commerce. Most intermediate handlers also operate boarding kennels. Their service usually includes airport pickup and delivery of pets.

During FY 1985, 132 carriers and 242 intermediate handlers were registered; 7 carriers and 25 intermediate handlers were new registrants; 3 carriers and 7 handlers voluntarily terminated their registrations.

3. Animal Exhibitors

Licensed exhibitors operate animal acts, carnivals, circuses, public zoos, roadside zoos, and marine mammal exhibits. Most of the animals exhibited are wild or exotic species, such as lions, tigers, bears, and elephants. More docile species, such as sheep and goats, are generally stocked at children's zoos and petting zoos.

During FY 1985, there were 1,322 licensed exhibitors and 64 registered exhibitors. Also, 129 exhibitors voluntarily terminated their licenses, and 17 voluntarily terminated their registrations.

Inspections and Investigations

Central to enforcement of the AWA are various inspections and investigations by APHIS to ensure that Federal laws, regulations, and standards are followed. In FY 1985 such inspections totaled 19,584.

1. Prelicensing Inspections

Before a dealer or exhibitor's license can be issued to an applicant, the Act requires inspection of the facility to ensure compliance with the regulations and standards. In FY 1985 there were 1,371 prelicensing inspections made (Appendix, Table 5).

2. Compliance Inspections

To enforce compliance with the Act and its standards, each year APHIS inspectors make periodic, unannounced inspections of all registered and licensed facilities. When inspectors identify deficiencies or areas of noncompliance, the licensee or registrant is advised of the deficiencies and possible solutions for correcting them. A reinspection must then be made within 30 days of the deadline set for correction. If deficiencies have been corrected, no further action is taken. If deficiencies remain, they are documented for possible legal action. In FY 1985, APHIS compliance inspections totaled 17,788; 2,735 of these were reinspections. This means that on an average, APHIS agents inspected the 6,019 licensed or registered facilities 3 times in FY 1985. These figures do not include prelicensing inspections and inspections of airports and intermediate handlers.

3. Inspections of Animals in Transit

Inspections at airports with large volumes of animal traffic permit

APHIS to assess compliance by carriers and shippers. Carriers must have facilities and personnel adequate to handle animals. They also must comply with Federal shipping requirements and refuse to accept shipments of live animals in substandard containers.

To ensure compliance by licensed and registered shippers, inspectors examine the health and condition of animals as they pass through the airport facilities. For animals in transit, inspectors monitor the size, construction, temperature, and ventilation of the container; feeding and watering of the animals; the length of time animals spend in transit; and health care for the animals.

APHIS has received help from humane associations, shippers, and others in enforcing transportation standards. The Agency is also working with the Animal Air Transport Association to resolve complaints about animal shipments.

During the year APHIS inspectors made 4,027 airport inspections and 425 inspections of intermediate handlers.

4. Complaints and Investigations

Public complaints concerning licensed and registered facilities continue to receive top priority. During FY 1985, APHIS inspectors investigated 879 complaints; 844 alleged violations (Appendix, Table 5) were investigated by APHIS compliance officers working in the field. Sufficient basis was found for submitting 333 of these as apparent violations to the headquarters staff to review for possible legal action.

5. Reviews

In FY 1985, APHIS conducted 1,168 reviews of individuals in business to

Table 1.—Number of active licensees and registrants, fiscal year 1985

State	Intermediate handlers carriers	Licensed dealers	Animal exhibitors		Registered facilities
			Licensed	Registered	
U.S. Total	374	3,414	1,322	64	1,219
Alabama	1	7	7	0	11
Alaska	3	0	4	1	2
Arizona	8	15	13	0	9
Arkansas	3	102	13	0	6
California	32	100	168	1	162
Colorado	19	43	19	3	23
Connecticut	10	7	17	0	16
Delaware	0	1	1	0	8
Florida	33	109	196	2	37
Georgia	11	29	22	4	15
Hawaii	26	5	14	0	5
Idaho	4	6	9	0	4
Illinois	8	84	45	5	58
Indiana	3	70	34	0	21
Iowa	0	368	9	5	13
Kansas	1	543	18	3	20
Kentucky	4	5	6	2	5
Louisiana	1	12	19	0	13
Maine	4	10	10	1	12
Maryland	3	14	13	0	17
Massachusetts	8	35	33	2	73
Michigan	3	30	46	14	43
Minnesota	4	85	25	2	20
Mississippi	1	9	5	0	3
Missouri	15	541	23	0	29
Montana	0	5	4	1	3
Nebraska	1	154	12	0	9
Nevada	1	5	29	0	1
New Hampshire	0	7	12	0	4
New Jersey	13	24	29	0	65
New Mexico	10	3	6	0	11
New York	24	51	47	0	100
North Carolina	8	32	19	6	18
North Dakota	1	22	6	0	3
Ohio	4	78	48	5	61
Oklahoma	2	247	12	1	14
Oregon	7	86	11	0	18
Pennsylvania	14	83	54	0	92
Rhode Island	0	2	5	0	9
South Carolina	9	13	16	0	5
South Dakota	0	56	6	0	3
Tennessee	3	27	10	0	12
Texas	26	144	97	2	71
Utah	6	6	9	0	8
Vermont	1	10	2	0	4
Virginia	9	15	18	0	20
Washington	11	20	20	1	20
West Virginia	1	4	3	0	5
Wisconsin	5	56	69	1	17
Wyoming	0	5	1	2	4
District of Columbia	2	0	0	0	8
Puerto Rico	3	29	8	0	9
Virgin Islands	8	0	0	0	0

Table 3.--Animals experiencing pain or distress (drugs omitted because they would interfere with the purpose of research or testing), fiscal year 1985

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	177	147,422	2,421	299	1,575	73,419	25,469	38,947	5,292
Alabama	0	0	0	0	0	0	0	0	0
Alaska	0	0	0	0	0	0	0	0	0
Arizona	1	28	0	0	0	0	0	28	0
Arkansas	1	11	0	0	0	0	6	5	0
California	13	10,271	42	3	22	6,925	85	2,394	800
Colorado	2	37	0	0	0	30	0	7	0
Connecticut	3	3,342	230	0	8	2,915	0	189	0
Delaware	2	5,064	24	0	32	4,996	0	12	0
Florida	4	72	0	18	8	0	0	46	0
Georgia	2	35	0	0	13	0	20	2	0
Hawaii	0	0	0	0	0	0	0	0	0
Idaho	0	0	0	0	0	0	0	0	0
Illinois	6	556	50	0	132	30	0	176	168
Indiana	5	6,514	35	0	4	5,941	0	414	120
Iowa	2	2,955	0	0	0	67	2,256	632	0
Kansas	2	29,365	0	0	0	9,856	17,693	1,816	0
Kentucky	0	0	0	0	0	0	0	0	0
Louisiana	1	125	0	0	125	0	0	0	0
Maine	1	1	0	0	0	0	0	1	0
Maryland	1	16	0	0	0	0	16	0	0
Massachusetts	5	147	0	0	59	22	0	66	0
Michigan	10	1,220	12	8	79	453	0	668	0
Minnesota	3	1,461	12	0	0	1,091	0	338	20
Mississippi	0	0	0	0	0	0	0	0	0
Missouri	6	181	80	23	0	0	0	78	0
Montana	0	0	0	0	0	0	0	0	0
Nebraska	1	479	0	0	0	0	0	0	479
Nevada	0	0	0	0	0	0	0	0	0
New Hampshire	0	0	0	0	0	0	0	0	0
New Jersey	18	22,653	390	65	23	1,937	11,900	8,338	0
New Mexico	1	24	0	0	0	0	0	24	0
New York	14	3,937	95	3	5	2,552	363	911	8
North Carolina	2	376	5	0	15	0	0	165	191
North Dakota	0	0	0	0	0	0	0	0	0
Ohio	9	10,523	81	38	3	9,098	0	1,303	0
Oklahoma	0	0	0	0	0	0	0	0	0
Oregon	0	0	0	0	0	0	0	0	0
Pennsylvania	11	3,326	72	59	0	61	0	3,134	0
Rhode Island	0	0	0	0	0	0	0	0	0
South Carolina	1	187	0	0	0	0	0	187	0
South Dakota	0	0	0	0	0	0	0	0	0
Tennessee	1	10	5	5	0	0	0	0	0
Texas	6	2,041	0	0	51	455	0	1,535	0
Utah	0	0	0	0	0	0	0	0	0
Vermont	1	70	0	0	0	0	0	70	0
Virginia	6	4,079	1,004	0	87	2,662	0	232	94
Washington	3	7,567	0	0	4	7,551	0	12	0
West Virginia	0	0	0	0	0	0	0	0	0
Wisconsin	2	303	0	0	0	0	0	302	1
Wyoming	0	0	0	0	0	0	0	0	0
Puerto Rico	1	8	0	0	0	8	0	0	0
District of Columbia	0	0	0	0	0	0	0	0	0
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	30	30,438	284	77	905	16,769	6,608	2,384	3,411

Table 5.--Number of inspections, fiscal year 1985

State	Complaints	Prelicensing	Compliance	Reviews	Alleged violations investigated
U.S. Total	879	1,371	17,788	1,168	844
Alabama	0	6	127	2	0
Alaska	0	0	0	0	0
Arizona	12	7	214	2	8
Arkansas	15	45	271	1	35
California	41	43	1,130	0	54
Colorado	22	15	255	78	14
Connecticut	6	9	139	25	0
Delaware	3	1	30	7	2
Florida	33	40	668	24	61
Georgia	0	12	206	16	8
Hawaii	2	11	57	0	1
Idaho	0	8	58	0	0
Illinois	15	27	682	8	26
Indiana	99	13	401	1	1
Iowa	46	108	1,216	174	42
Kansas	43	159	1,536	98	35
Kentucky	7	4	78	6	3
Louisiana	0	14	146	25	7
Maine	4	7	103	24	0
Maryland	29	9	216	3	17
Massachusetts	22	15	404	20	56
Michigan	8	5	558	6	8
Minnesota	7	34	571	0	62
Mississippi	9	3	55	0	5
Missouri	71	284	1,403	68	126
Montana	1	3	68	18	2
Nebraska	25	84	550	79	12
Nevada	3	1	81	9	4
New Hampshire	14	6	88	8	0
New Jersey	27	4	461	0	19
New Mexico	1	8	96	7	3
New York	20	12	697	31	52
North Carolina	24	27	272	10	18
North Dakota	3	2	107	13	5
Ohio	21	40	556	24	15
Oklahoma	14	79	566	92	15
Oregon	75	27	278	34	7
Pennsylvania	77	49	808	97	34
Rhode Island	3	1	61	9	0
South Carolina	3	1	106	10	7
South Dakota	8	19	209	59	15
Tennessee	4	8	173	18	6
Texas	21	66	869	0	24
Utah	2	0	76	9	5
Vermont	1	4	56	19	0
Virginia	8	3	144	0	7
Washington	7	6	208	2	10
West Virginia	9	2	54	26	1
Wisconsin	4	23	480	2	11
Wyoming	8	1	44	4	0
Puerto Rico	2	16	156	0	1
District of Columbia	0	0	0	0	0
Virgin Islands	0	0	0	0	0

